



IPR 3761

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mikhail Vladimirovich KUTUSHOV

Serial No.: 10/576,039

Group No.: 3761

Filing Date: 14 April 2006

Examiner:
Leslie R. Deak

Title: SYSTEM FOR CORRECTING
BIOLOGICAL FLUID

Customer No.: 42419

TELEPHONE INTERVIEW SUMMARY

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Interview Summary mailed 05 November 2008,
Applicant submits the following remarks.

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on

08 December 2008

08 Dec 2008

Date

A handwritten signature in black ink, appearing to read "Leslie R. Deak".

Signature

Interview Summary

The undersigned thanks Examiner Deak for her time and courtesies extended during a telephone interview on 08 October 2008. The rejection over U.S. 5,980,479 was discussed. The undersigned argued that the Examiner's functionality standard for obviousness was incorrect. The Examiner argued that MPEP 2144.04(IV)(A) and *In re Larson* applied to this claimed invention, as the claimed invention was being made integral in the form of the bellows pump of the secondary reference. The undersigned argued that the rejection was not based upon a proper understanding of MPEP 2144.04(IV)(A), and that MPEP 2144.04(IV)(A) did not properly apply to this claimed invention. The Examiner asked if there was any unexpected result that would be evidence of nonobviousness.

On 16 October 2008, after communicating with the inventor, the undersigned called the Examiner to explain the unexpected results as detailed in the subsequent Declaration filed by Applicant. The Examiner indicated the statements sounded convincing, and requested a formal submission. The undersigned agreed to file the Declaration formalizing the comments made by telephone.

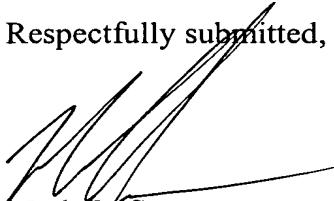
The undersigned also noted, upon further review, that *In re Larson* did not apply to the present rejection and could not be used to support the rejection as *In re Larson* applies to making a device as one piece where the prior art device

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is merely made in the same configuration from more than one piece bolted together. The present invention is very different in configuration and structure from the prior art device.

No agreement was reached.

Respectfully submitted,



Mark D. Swanson
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